IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.516 OF 2006
IN
CRIMINAL APPEAL NO.474 OF 2006

Imran Nisar Shaikh ...Applicant

vs.

State of Maharashtra ...Respondent

Mr.Milind Deshmukh for the Applicant
Mr.A.S.Shitole A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 18,2006.

P.C.:

1. Appeal is already admitted. The Applicant is accused No.3. The Applicant has been convicted for offence punishable under section 394 of the Indian Penal Code and he has been sentenced to undergo R.I. for seven years and to pay fine of Rs.5,000/-. The fine amount is already deposited.

2. Apart from the dispute about the identification of the Applicant, the evidence of the victim Madanlal Ratanchand Oswal discloses that the Applicant was merely a driver of the Maruti van in which the other accused persons were sitting. The first informant-victim was not knowing the Applicant. No identification parade is held. Except for the fact that the Applicant was a driver, no other overt act IN the offence has been ascribed to the Applicant. The Applicant was on bail throughout the trial. There is no allegation of misuse of the liberty granted to the Applicant.

3. Considering the aforesaid factual aspects of the case, the Applicant is entitled to be enlarged on bail. Hence, I pass the following order :

i) The Applicant shall be enlarged on the same bail on which he was enlarged during the pendency of the trial subject to filing fresh bail bonds.

ii) Bail is granted subject to condition that the Applicant will report to Yawat Police Station, Taluka Daund, District Pune once in every calender month till the final disposal of the Appeal.

JUDGE